

DE 2305.02 US

PATENT

REMARKS**I. Status**

In the Office Action mailed July 31, 2003, the Examiner noted that claims 1 and 3-17 were pending, and rejected claims 1 and 3-17. Thus, in view of the foregoing, claims 1 and 3-17 remain pending for reconsideration, which is requested. No new matter has been added. The applicant respectfully traverses the rejection.

II. Drawings

Figure 9 has been amended according to the Examiner's comments.

III. Rejection of claims under 35 U.S.C. § 103(a)

Claims 1, 3-14, 16-17 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Goldsmith et al. (U.S. Patent No. 5,113,387). The applicant respectfully traverses this rejection.

The Applicant takes note that the text of this rejection is referring to Goldsmith et al. and that the reference to "Vincent" in the text of the Office Action appears to be an error because Figure 4 and the associated element numbers in the text are from the reference Goldsmith.

The present invention of claim 1 recites "an optical device used in an optical read/write head comprising a first optical coating plane and a second optical coating plane for respectively reflecting a first light and a second light to an identical optical axis". The present invention of claim 14 recites "an optical component comprising a plurality of optical coating planes for respectively reflecting said plurality of light beams to an identical optical axis".

In contrast, Figure 4 of Goldsmith et al. shows three contiguous beam splitters lined up next to each other ("reflector"). Goldsmith et al. does not show "optical coating planes" as recited in claims 1 and 14. Furthermore, the

DE 2305.02 US

PATENT

Examiner admits that Goldsmith et al. "lacks the first, second, and third reflecting optical planes being coating planes".

However, the Examiner alleges that this modification would have been obvious, that is it would have been obvious to fabricate a device from multilayer dielectric thin film coatings. But, there is no suggestion, diagrams, discussion or motivation in either Goldsmith et al. or Vincent to suggest the optical coating planes of the present invention. In fact Goldsmith et al. does no more than disclose a device similar to the prior art discussed in the Background of the Invention, for example, on page 1, lines 23-24, it says "...two beam splitters 12, two laser sources 12 are needed for the design...". The present invention overcomes the complexity of having more than one piece with the optical device comprising coating planes. The present invention has many advantages described in the Specification that the prior art never anticipated. For example, the discreet components of Goldsmith are hard to align, whereas in the present invention there is no problem of aligning parallel components ("precisely positioning each optical component well is very important for a read/write head and even for the assembly of the optical path system", page 2, lines 3-5, Specification). Furthermore, the single component device of the present invention reduces the cost of assembly over the multi-component device of Goldsmith et al. ("It is known that the more components the optical system has, the higher the assembling cost is", page 2, lines 5-6). The present invention overcomes the problems of the device of Goldsmith ("The conventional optical path has several drawbacks, for example the cost of the materials is high, and the process is complicated. It is difficult to regulate the optical axis of different optical paths as an identical optical axis, so that the quality of the read/write head is decreased." (page 2, lines 7-11). In summary, Goldsmith et al. was not aware of the simpler solution provided for the present invention. Surely, if Goldsmith et al. had know of a simpler solution to the problem, Goldsmith would have adopted it. In contrast, none of the references of the prior art have disclosed or suggested the "coating planes" of the present invention even though there is a significant cost in savings and improvement in accuracy. The Applicant requests

DE 2305.02 US

PATENT

that the Examiner produce a reference showing such motivation or allow the claims.

IV. Rejection of claims under 35 U.S.C. § 103(a)

Claim 15 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Goldsmith et al. (reference to Vincent et al. in Specification appears to be an error) in view of Fukakusa et al. (U.S. Patent No. 6,256,283). The applicant respectfully traverses this rejection.

Claim 15 is dependent on claim 14. Thus, claim 15 distinguishes over the prior art for the same reason as claim 1 argued above.

V. Dependent Claims

The dependent claims depend from the above-discussed independent claims and are patentable over the prior art for the reasons discussed above. The dependent claims also recite features not taught or suggested by the prior art. For example, claim 6 recites a first and second light generated at different timings. Nothing in the prior art teaches or suggests such a feature. The other dependent claims also recite additional distinguishing features. It is submitted that the dependent claims are independently patentable over the prior art.

VI. Concluding Matters

In view of the foregoing remarks, it is respectfully submitted that each of the claims distinguishes over the prior art, and therefore, defines allowable subject matter. A prompt and favorable reconsideration of the rejection along with an indication of allowance of all the pending claims is respectfully requested.

Should there be any remaining questions to correct format matters, it is urged that the Examiner contact the undersigned attorney with a telephone interview to expedite and complete prosecution.

DE 2305.02 US

PATENT

If any further fees are required in connection with the filing of this response, please charge same to our Deposit Account No. 04-1175.

Respectfully submitted,
DISCOVISION ASSOCIATES

Date: Oct 28, 2003


Richard Stokey
Registration No. 40,383

DISCOVISION ASSOCIATES
INTELLECTUAL PROPERTY DEVELOPMENT
P.O. Box 19616
Irvine, California 92623
Telephone: (949) 660-5006

P:\ABG\PPD\DE\2305\02\Amendment_a02.doc

FAX RECEIVED

OCT 30 2003

TECHNOLOGY CENTER 2800